

## 8700.1 Temporary Replacement 1

08/01/01

*B. Carriage of Persons.* Part 133 does not provide for “passenger carrying” operations but does provide the “carriage of persons” in accordance with 14 CFR § 133.35. If passenger carrying operations are conducted, they should be done in accordance with Part 91 or 135. No Class A, B, or C external-load operator may allow a person to be carried during external-load operations unless that person is a flight crewmember; is a flight crewmember trainee; performs an essential function in connection with the external-load operation; or is necessary to accomplish the work activity directly associated with the operation. An operator with Class D approval may be authorized to carry persons other than a crewmember or persons directly connected with the external-load operation. The inspector must ensure that any proposed external-load operations are not a guise for passenger carrying operations conducted for compensation or hire.

(1) The carriage of snow skis as a Class A external-load when skiers are on board the rotorcraft is clearly a passenger carrying operation that is not permitted under the provisions of 14 CFR § 133.35. Baggage carried in a Class A external-load attaching means (such as racks on top of fixed floats) is another example of an operation not permitted by 14 CFR § 133.35. However, if these items are carried in approved cargo racks as described in paragraph 3A, the operation could be conducted under part 91 or 135, which allow for carrying passengers.

(2) An operator with a Class B approval may be authorized to externally carry a crewmember, or a person essential to the external-load operation, with a single engine rotorcraft. The person in the following example may be carried as a Class B external-load, which must be jettisonable: Trapeze acts or clown acts at airshows or similar entertainment events.

(3) A Class D rotorcraft load combination is the only external-load class permitting the carriage of persons other than crewmembers or persons essential to the external load operation (14 CFR §133.1(5)(d)). An example of a person who would have to be carried as a Class D external-load is a harbor pilot being transported from land to a ship in a personnel lifting device. A Class D external-load operation can be conducted only in accordance with the following:

(a) The rotorcraft used must have been type certificated under 14 CFR part 27 or 29, Category A, for its operating weight. With one engine inoperative, it must be able to hover at that operating weight, and in the density altitude conditions that exist when a Class D load is carried.

(b) The rotorcraft must be equipped for direct radio intercommunication among required crewmembers.

(c) The personnel lifting device must be FAA-approved, and have an emergency release that requires two distinct actions to achieve release. For example, a hoist must have a pressure cartridge cable cutter with one guarded switch that requires the pilot to raise the guard before activating the switch. The guard must prevent the pilot from activating the switch inadvertently.

(4) In an emergency involving the safety of persons or property, the certificate holder may deviate from the rules of part 133 to the extent required to meet that emergency. The test to determine whether a deviation is necessary is the availability of alternate means of solving the situation.

(a) Rescue of property must be clearly in the public interest in order to warrant deviation from the operating rules and related requirements.

(b) Under the emergency operating authority (14 CFR § 133.31(b)), the inspector should request a complete report for each deviation from part 133. This may be necessary to determine whether there has been a violation of the rule and to ensure that the operator has not used the authority granted by the provisions of 14 CFR § 133.31(a) to use an emergency situation to circumvent the rules. The report should give a thorough, detailed account of the operation, a description of the act of deviation, and a justification for the deviation. The report must be filed within 10 days of the request by the Administrator.

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**5. FOREIGN REGISTERED AIRCRAFT.** Under the provisions of the North American Free Trade Agreement (NAFTA), certain foreign aircraft may be utilized for operations conducted under part 133. Other aircraft of foreign registry cannot be used in part 133 unless permitted under the terms of an exemption. An external-load operator certificate is considered an airworthiness certificate (§ 133.51), and